

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUN 16 2008
BY DAVID J. MALAND, CLERK
DEPUTY

Dominick Moore

(Name of plaintiff or plaintiffs)

1406 Union St. Center Tx. 75935

VS

CIVIL ACTION NO.

9:08cv107

RC1 JKG

John Scull

Scull Timber Company

(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. § 2000e-5. Equitable and other relief are also sought under 42 U.S.C. § 2000e-5 (g).
2. Plaintiff, Dominick Moore, is a citizen of the United States and resides at 1406 Union St, Center, Shelby, Tx, 75935, 936-332-9295.
(name of plaintiff) (street address) (city) (county) (state) (ZIP) (telephone)
3. Defendant, John Scull, lives at, or its business is located at P.O. Box 220, Tenaha, Shelby, Tx, 75974, 936-248-5200.
(name of defendant) (street address) (city) (county) (state) (ZIP) (telephone)
4. Plaintiff sought employment from the defendant or was employed by the defendant at Scull Timber Co, Tenaha T, Shelby, Tx, 75974.
(street address) (city) (county) (state) (ZIP)

5. Defendant discriminated against plaintiff in the manner indicated in

paragraphs 9 and 10 of the complaint on or about 1
(day)
Jun 07
(month) (year)

6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination

indicated in paragraphs 9 and 10 of this complaint on or about 1
(day)
Oct. 07
(month) (year)

7. The Equal Employment Commission issued a Notice of Right to Sue which

was received by plaintiff on 26 10 07
(day) (month) (year)

8. Because of plaintiff's (1) / race, (2) / color, (3) / sex,
(4) / religion, (5) / national origin, defendant:

(a) / failed to employ plaintiff.

(b) / terminated plaintiff's employment.

(c) / failed to promote plaintiff.

(d) /

9. The circumstances under which the defendant discriminated against plaintiff were as follows: Two white males violated company

policy and not terminated from my position as
Truck Driver. This took place after a malfunction
with my company truck took place that almost caused me to
have an accident. I was told Truck Pusher that he was only
doing what he was told to do. He did not specify who told him
to terminate me. I can only assume the problems with my
company truck was the issue that cause me to be terminated

10. The acts set forth in paragraph 9 of this complaint:

- (a) _____ are still being committed by defendant.
- (b) / are no longer being committed by defendant.
- (c) _____ may still be being committed by defendant.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint. WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) _____ Defendant be directed to employ plaintiff, and
- (b) _____ Defendant be directed to re-employ plaintiff, and
- (c) _____ Defendant be directed to promote plaintiff, and
- (d) _____ Defendant be directed to _____ and that the

Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.


(SIGNATURE OF PLAINTIFF)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Dominick Moore**
1406 Union Street
Center, TX 75935

From: **Houston District Office**
1919 Smith St, 7th Floor
Houston, TX 77002



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

460-2008-00512

David Liggins,
Investigator

(713) 209-3414

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

No Employee, Employer Relationship

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

R.J. Ruff, Jr.,
District Director

3/18/08

(Date Mailed)

Enclosures(s)

cc:

John Scull
Owner
SCULL TIMBER COMPANY
P.O. Box 220
Tenaha, TX 75974

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge filed To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

460-2008-00512

Texas Workforce Commission Civil Rights Division and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. Dominick Moore

Home Phone No. (incl Area Code)

(936) 598-8509

Date of Birth

Street Address

City, State and ZIP Code

1406 Union Street, Center, TX 75935

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

SCULL TIMBER CO.

No. Employees, Members

Unknown

Phone No. (include Area Code)

(936) 248-5200

Street Address

City, State and ZIP Code

P.O. Box 220, Tenaha, TX 75974

Name

No. Employees, Members

Phone No. (include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

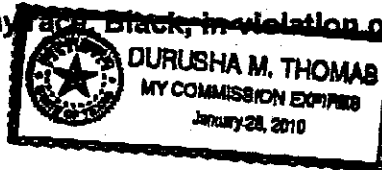
10-26-2007**10-26-2007**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I. In October of 2007, I was terminated from my position as Truck Driver. This took place after a malfunction with my company truck took place that almost caused me to have an accident. I was told by Randy Broadus, Truck Pusher, that he was only doing what he was told to do. He did not specify who told him to terminate me. I can only assume that the problems with my company truck was the issue that caused me to be terminated. The Respondent has more than 15, employees and is covered by Title VII.

II. Two White males, violated company policy and were not terminated. One failed a drug screen and the other wrecked his company truck in the woods. Neither were terminated.

III. I believe I have been subjected to discrimination due to my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Dominick Moore
 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

Date

Charging Party Signature